

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 6307	DATE	11/4/2003
CASE TITLE	JOSE AYALA & MARIA AYALA vs. SONNENSCHN FINANCIAL SERVICES,		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]


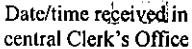



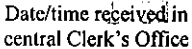


MOTION:

MEMORANDUM OPINION AND ORDER

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion And Order. The contract is hereby rescinded and any amount purportedly owed to American Resorts is cancelled. If Sonnenschein shall hereafter successfully claim that plaintiffs are liable to it in any amount, American Resorts shall be liable to plaintiffs for that amount and for any fees and costs they may incur. We award compensatory damages to the plaintiffs and against American Resorts in the amount of \$790, punitive damages in the amount of \$20,000, and fees and costs in the amount of \$6,917.

- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.				
No notices required.				
Notices mailed by judge's staff.				
Notified counsel by telephone.				
<input checked="" type="checkbox"/> Docketing to mail notices.				
<input checked="" type="checkbox"/> Mail AO 450 form.				
Copy to judge/magistrate judge.				
LG				

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSE AYALA and MARIA AYALA,

Plaintiffs,

vs.

SONNENSCHNEIN FINANCIAL SERVICES,
INC., and AMERICAN RESORTS
INTERNATIONAL, LTD.,

Defendants.

No. 02 C 6307

MEMORANDUM OPINION AND ORDER

DOCKETED
NOV 05 2003


Plaintiffs sued Sonnenschein Financial Services, Inc. (Sonnenschein) and American Resorts International, Ltd. (American Resorts), claiming that they were hoodwinked into entering into a time-share contract and that Sonnenschein was seeking to collect \$14,821. American Resorts was served but never appeared. A motion for default as to liability was granted March 11, 2003. Sonnenschein was probably never properly served and may not even exist except as a purported collector for American Resorts. Because its rights might be adversely impacted by a default judgment against American Resorts, we delayed entering that judgment. Plaintiffs have now concluded that Sonnenschein, even if it exists and can be found, is unlikely to have any assets, and they wish to conclude the matter with American Resorts.

And we do so. The contract is hereby rescinded and any amount purportedly owed to American Resorts is cancelled. If Sonnenschein shall hereafter successfully claim that plaintiffs are liable to it in any amount, American Resorts shall be liable to plaintiffs for that amount and for any fees and costs they may incur. We award compensatory damages to the

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plaintiffs and against American Resorts in the amount of \$790, punitive damages in the amount of \$20,000, and fees and costs in the amount of \$6,917.

Nov. 4, 2003.



JAMES B. MORAN
Senior Judge, U. S. District Court